

REMARKS

Claims 1 - 8 remain in this application. Claims 4 - 8 are withdrawn from consideration. Claim 1 has been amended.

The amendments to claim 1 are as follows. Applicant has amended claim 1 to add the limitation that the edge defining an opening is a "lower edge" of the side wall. This limitation is supported by the specification (see, for example, page 6, lines 11 - 22) as well as by Fig. 1 (reference number 38). This limitation was added in response to the examiner's comment in part 7 of the January 30, 2004 Office Action that applicant was arguing a feature of the invention found in the specification but not recited in the claims. Next, applicant has added the limitation that the annular frame is "mountable on said rotatable shaft and adapted for rotation therewith" and that the annular frame has a circumferential side wall including first and second "axially spaced" circumferential edges. Support for this amendment is found on page 6, lines 4 - 10 of the specification and in Fig. 1 (see reference numbers 38 and 40, the edges, as well as 36, the side wall). Applicant notes that defining the circumferential edges as axially spaced in the claim clarifies the relationship of those edges that is apparent from Fig. 1. Further, applicant has added the limitation that the circular back wall "extend[s] generally radially inward from the other of said circumferential edges" and that the opening therein the circular back wall communicates vacuum pressure from the suction housing "through said suction ring" to the orbital sanding pad assembly. Support for this amendment is found in Figs. 1 and 3. Finally, applicant has amended the whereby clause at the end of claim 1 to read in part that the sanding pad assembly is "rotatably" supported against flapping by said "rotating" suction ring. Applicant submits that this amendment is supported by the specification and the drawings (see, for example, page 6, lines 4 - 10 of the specification).

Claim 1 was rejected under Section 102(b) as being anticipated by, or in the alternative, under Section 103(a) as being obvious over Marton (U.S. Patent No. 4,616,449, hereinafter "Marton"). Specifically, the examiner stated that Marton discloses all of the limitations of claim 1. Applicant respectfully traverses this rejection. Marton

discloses a suction plate having an upper circular plate, a central upstanding flange that rises above the inner portion of the plate and a peripheral rim that extends down from the outside edge of the plate. Legs can extend down from the bottom of the upper plate and holes therein allow for the suction plate to be attached to a backing pad. The suction plate is not attached to the backing pad through a lower edge of the rim. The present invention is distinct from Marton. In the present invention, a limitation of claim 1 is that the suction ring is mountable to the backing pad (the backing pad is part of the sanding pad assembly; see page 6, lines 5 – 7 of the specification) through openings at an edge of a side wall of the ring, this edge being the lower edge of the side wall. Hence, the attachment is at a lower edge of a side wall and not through an upper plate as in Marton. The structure of the present invention is therefore different than Marton. Furthermore, there is no suggestion in Marton to attach a suction ring to a backing pad at a lower edge of the ring. In fact, in Marton the lower edge of the suction ring is separate from the backing pad in order to create a peripheral opening 36 between the rim of the suction plate and the backing pad (see, for example Fig. 1 and column 3, lines 16 – 22 of Marton). For these reasons, applicant asserts that the present invention is not anticipated by nor obvious over Marton and requests that the rejection based on Marton be withdrawn.

Claim 1 was rejected under Section 102(b) as being anticipated, or in the alternative, under Section 103(a) as being obvious over Takashima (U.S. Patent No. 5,027,470, hereinafter “Takashima”). Specifically, the examiner stated that Takashima discloses all of the limitations of claim 1. Applicant respectfully traverses this rejection. Takashima does not teach or suggest the elements of the present invention. Specifically, in Takashima the housing 40, of which the examiner calls the lower part a suction ring, is not secured to the backing pad. Rather, the housing stands above the backing pad and is sucked to it by suction through the suction holes. Furthermore, the housing 40 is a stationary guard/shroud that encloses a space around the motor. The housing 40 does not move/rotate when the motor rotates the backing pad and the sanding pad. In the present invention, the suction ring is mountable on the rotatable shaft of the motor and mountable

on the backing pad. The suction ring is therefore adapted for rotation with the rotatable shaft and the backing pad. Hence, the suction ring of the present invention rotates during operation whereas the housing 40 of Takashima is stationary. Moreover, the seal 70 of Takashima between the housing 40 and the backing pad 47 is not mounted to the backing pad 47 but is sucked to the backing pad 47 by suction through the suction holes. In fact, the seal 70 can't be secured to backing pad 47 because the backing pad 47 rotates during use while the housing 40 is stationary. In the present invention, the suction ring is permanently secured to the backing pad through openings at a lower edge of the side wall of the suction ring. This functions to help keep the backing pad perfectly straight during operation. Therefore, the seal 70 of Takashima is not the same as the opening at a lower edge of the side wall of the present invention. Finally, the suction ring of the present invention supports the backing pad and keeps it straight during operation as the suction ring and backing pad rotate together, whereas the housing 40 of Takashima does not. For these reasons, applicant asserts that the present invention is neither anticipated nor suggested by Takashima and requests that the rejection based on Takashima be withdrawn.

Claim 2 was rejected under Section 103(a) as being unpatentable over either Marton or Takashima in view of Kitahata (U.S. Patent No. 5,172,448, hereinafter "Kitahata"). Specifically, the examiner stated that it would be obvious to one skilled in the art to modify the invention of Marton or Takashima with reinforcing ribs as taught by Kitahata to obtain the present invention. Applicant respectfully traverses this rejection. As applicant has previously asserted, neither Marton nor Takashima disclose the elements of the present invention. Applicant restates this argument for the same reasons as given above. Therefore, no combination of Marton or Takashima with the teaching of Kitahata would result in the present invention. For these reasons, applicant asserts that the present invention is patentable over Marton or Takashima in view of Kitahata and requests that the rejection based on Marton or Takashima in view of Kitahata be withdrawn.

Claim 3 was rejected under Section 103(a) as being unpatentable over either Marton or Takashima. Specifically, the examiner stated that it would be obvious to fabricate



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Marton or Takashima using aluminum as claimed in claim 3. Applicant respectfully traverses this rejection. As applicant has previously asserted, neither Marton nor Takashima disclose the elements of the present invention. Applicant restates this argument for the same reasons as given above. Claim 3, claiming a material of construction for a novel and non-obvious suction ring and depending from an allowable base claim, is itself allowable. Therefore, applicant asserts that the present invention is patentable over Marton or Takashima and requests that the rejection based on Marton or Takashima be withdrawn.

Applicant submits that the claimed invention clearly distinguishes over the cited references and should be found allowable.

This amendment and request for reconsideration is felt to be fully responsive to the comments and suggestions of the examiner and to place this application in condition for allowance. Favorable action is requested.

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Respectfully submitted,

Miksa Marton

TECHNOLOGY CENTER R3700

Fildes & Outland, P.C.

Christopher J. Fildes, Attorney
Registration No. 32,132
20916 Mack Avenue, Suite 2
Grosse Pointe Woods, MI 48236
(313) 885-1500